

**REMARKS**

Applicant has filed this supplemental amendment after the telephone call with the Examiner on Monday March 28, 2005. This amendment with the following remarks is a substitute to the reply to a non-final office action with the amendment filed on March 7, 2005.

Applicant wishes to thank Examiner Chuong for speaking to Applicant's representatives on March 28, 2005. Applicant's representatives explained to the Examiner the distinction between a Boolean comparison of two associative arrays, as is performed with the present invention, and a simple yes/no checkbox recognition test as shown in the cited art.

To help further prosecution, Applicant has added claims 18-23 to the instant application. The new claims are directed to the comparison of the two associative arrays, which are indexable by a string. The newly added claims are fully supported by the specification as originally filed, specifically on page 12, lines 5-15.

It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-23 are pending. Claims 1, 3, 8, 11 and 13 are amended. Claims 18-23 have been added. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

- (1-2) rejected claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; and
- (3-4) rejected claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by Oran et al. (U.S. Patent No. 5,920,316).

**(1-2) Rejection under 35 U.S.C. §112**

POU920010121US1

8 of 14

09/944,721

**BEST AVAILABLE COPY**

As noted above, the Examiner rejected claims 1-17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated that "the term 'may be' in claim 1 at line 6 is a relative term which renders the claim indefinite."

Accordingly, the term "may be" has been removed from claim 1 as originally filed.

The Examiner also states that "[r]egarding claim 1, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention." The Examiner goes on to cite MPEP 2173.05(d).

Applicant submits that the term "and/or" is commonly used in the English language and is sufficiently clear as to positively recite that the present invention can include: 1.) receiving a response from an end-user, 2.) receiving a response from an end-user and also receiving an event-based trigger, or 3.) just receiving an event-based trigger without receiving a response from an end-user. In addition, applicant notes that the connector "and/or" appears in at least 112,473 issued U.S. patents. It is therefore believed that the term "and/or," as used in independent claim 1, is sufficiently clear, and that the metes and bounds of the claim are clearly set forth. However, to help expedite prosecution of the instant application, claim 1 has been amended to remove the connector "and/or."

Finally, the Examiner states that claim 3 lacks proper antecedent basis for the term "a UI". Accordingly, claim 3, line 4, has been amended to change "a UI" to "the UI". Claim 13 has been similarly amended for the same reason.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, second paragraph.

(3-4) Rejection under 35 U.S.C. §102(b)

POU920010121US1

9 of 14

09/944,721

As noted above, the Examiner rejected claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by Oran et al. (U.S. Patent No. 5,920,316). The claims have not been amended to overcome the cited prior art.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Amended independent claim 1 recites, *inter alia*:

**associating an associative array with one or more entries to each of a plurality of UI objects presentable as part of a UI;**  
**presenting at least one UI object based on a state of at least one global context flag for the UI;**  
**receiving at least one of a response from an end-user to the presentation of the at least one UI object and an event-based trigger;**  
**altering the state of the global context flag label based on the response from the end-user;**  
**performing a Boolean comparison between the global context flag and one or more of the entries in the associative array for each of the UI objects; and**  
**presenting zero or more of the plurality of UI objects as part of the UI to the end-user based upon a result of the Boolean comparison. (emphasis added)**

The present invention discloses a method, system, and computer readable medium for programming a UI (User Interface) based on global context flags. The global context flags are organized in an associative array. The particular state of the program dictates the values within the global context flag array. These flags in turn are used in a Boolean operation to select which UI objects should be rendered and/or made available to the end-user. Programming the desired UI objects for usage is accomplished by attaching attributes for the desired rendering which, if favorably compared using a Boolean operation to the global context flags, will result in their selection or deselection.

In the present invention, at least one menu list 318-328, 330-336, 338-344, etc. is associated with an application. See FIG. 3 and page 11, line 18 through page 13, line 2. The menu list includes one or more choices. (FIG. 3.) Importantly, each choice is associated with an associative array. The choices available to a user vary dependent

upon the **Boolean matching of the associative array entries to the global context flags assigned to each document.**

The term "associative array" is a well-known term of art in the computer software field. An "associative array" is defined on page 11 of the specification in the present application as "a set of items, which are randomly accessible by a key, often a string." The Applicant's definition in the specification of "associative array" is completely consistent with how the term is known in the computer art e.g., "an array where the indices are not just integers but may be arbitrary strings." See, for example, dictionary.com. The global context flags 304 are nested in structure and usage as shown in FIG. 3 and described on page 11, lines 21-22. Therefore, the global context flag is also an associative array and **the present invention is Boolean matching two associative arrays.**

The Oran et al. reference discloses a Windows<sup>TM</sup> taskbar with a start menu. The taskbar has a properties sheet 76 associated with it. The properties sheet is a graphical user interface for determining how the taskbar will appear on the screen. The invention disclosed in Oran et al. is not at all analogous to the present invention.

In Oran et al., a set of check boxes 86, 88, and 90 are presented to a user. The check boxes are toggles for choosing or un-choosing start menu options. The user can then select from one of three choices, which will apply the options, cancel any changes to the option selections, or apply the options and close the properties sheet.

However, when one of the three choices is selected, **Oran et al. does not perform "a Boolean comparison between [a] global context flag and one or more of the entries in [an] associative array for each of the UI objects,"** as recited in claim 1 of the instant application. First of all, **Oran et al. does not have or disclose associative arrays.** Oran only discloses a set of check boxes. The check boxes are not "nested" and are not "randomly accessible by a key" as are the associative arrays of the present invention.

A quick text search indicates that Oran never mentions the term "array" anywhere in the specification. Even *arguendo*, if, as the Examiner states on page 3, item 4 of the office action, elements 82, 84, 86, 88, etc. could be considered an array, this is certainly not an associative array. Oran never mentions the term array alone and certainly does not disclose, teach or even suggest the use of an, the array being an associative array whereby the very definition of associative array it is randomly accessible by a string.

Even taken further if *arguendo*, Oran taught an array, Oran still **does not disclose a second global context flag array**, as does the present invention. Secondly, Oran does not perform a Boolean comparison. The Windows operating system feature disclosed in Oran utilizes a programming methodology that has pre-determined actions that are to be taken based upon the few possible check box combinations.

Conversely, the present invention dynamically adjusts the menu list based upon the status and presence of user interface objects. Instead of pre-programmed responses, as in Oran et al., the present invention performs a Boolean comparison between the two arrays that are changeable based upon receiving a response from an end-user, or, as is also impossible in Oran, receiving an event-based trigger. The check boxes in Oran can only be altered by a user selecting the boxes. Therefore, the property sheet in Oran is for accepting user input only and is not capable of receiving an event based trigger as is recited in claim one of the instant application.

The Examiner cites 35 U.S.C. § 102(b) and a proper rejection requires that a single reference teach (i.e., identically describe) each and every element of the rejected claims as being anticipated by Oran et al.<sup>1</sup> Because the elements in independent claims 1, 8, and 11 of the instant application are not taught or disclosed by Oran et al., the apparatus of Oran does not anticipate the present invention. The dependent claims are believed to be patentable as well because they are all ultimately dependent on either claim 1, 8, or 11. Accordingly, the present invention distinguishes over Oran et

---

<sup>1</sup> See MPEP §2131 (Emphasis Added) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The

al. for at least this reason. The Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. § 102(b) has been overcome.

### **CONCLUSION**

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, Applicant has amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents.

Applicant acknowledges the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicant and his attorneys.

Applicant respectfully submits that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

It is believed that no fee is due with this Amendment. However, if any fees are due with respect to Sections 1.16 or 1.17, please charge to the deposit account of the undersigned firm, Acct. No. 09-0463.

---

Identical invention must be shown in as complete detail as is contained in the ... claim."

POU920010121US1

13 of 14

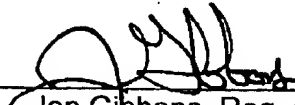
09/944,721

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: March 31, 2005

By:



Jon Gibbons, Reg. No. 37,333  
Attorney for Applicant

FLEIT, KAIN, GIBBONS, GUTMAN BONGINI & BIANCO P.L.  
551 N.W. 77th Street, Suite 111  
Boca Raton, FL 33487  
Tel (561) 989-9811  
Fax (561) 989-9812

Please Direct All Future Correspondence to Customer Number **23334**

POU920010121US1

14 of 14

09/944,721

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**